IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Robert D. Hill

Title:

METHOD OF MODIFYING PLANT

PHENOTYPES WITH NONSYMBIOTIC

HEMOGLOBIN

Appl. No.:

10/582,321

International

Filing Date:

12/10/2004

371(c) Date:

05/22/2007

Examiner:

Phuong T. Bui

Art Unit:

1638

Confirmation

4952

Number:

PETITION UNDER 37 C.F.R. 1.182 FOR CORRECTION OF INTERNATIONAL APPLICATION NUMBER FOR U.S. NATIONAL STAGE APPLICATION

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner for correction of the international application number for the captioned application, which entered the U.S. National Phase on June 9, 2006.

As a result of a clerical error, and without any deceptive intent, Applicants provided an incorrect international application number on the "Transmittal Letter To The United States . . . Concerning a Filing Under 35 U.S.C. 371" and on the Application Data Sheet, setting forth "PCT/IB2004/004119," when the correct international application number is "PCT/IB2004/004419."

That PCT/IB2004/004419 is the correct and intended international application number is supported by the identity of the title, inventors, Applicant/Assignee, international filing date, and priority claim to U.S. provisional application 60/528,777, that were set forth on the Transmittal Letter and ADS and that pertain to PCT/IB2004/004419, and by the copy of the published text of PCT/IB2004/004419 (WO 2005/055703) that also was submitted with the U.S. National Phase entry documents on June 9, 2006. A copy of the Transmittal Letter and ADS and the first page of WO 2005/055703 is submitted herewith.

Also submitted herewith is a copy of the stamped postcard confirming receipt by the U.S. receiving office of 28 pages of specification and claims and 6 sheets of Figures 1-6, which correspond to the page numbers and drawing sheets of PCT/IB2004/004419.

Applicants first learned of this error in early 2007, when Bernard Gregory in the U.S. Patent Office PCT Office alerted Applicants to the error by telephone. As requested by Bernard Gregory, Applicants filed by facsimile a new Transmittal Letter and ADS with the correct international application number. A copy of this facsimile is submitted herewith.

As the Notice of Acceptance and the official Filing Receipt issued on July 24, 2007, showed the correct international application number, Applicants believed that the error had been corrected.

On July 26, 2010, the Examiner assigned to the application advised Applicants that a Petition under 37 CFR 1. 181 is required to satisfy the formal requirements for correcting an error of this type. Thus, Applicants submit this petition to comply with these requirements.

Because the record shows that the incorrect international application number was provided as a result of a clerical error, and because other documents submitted with the U.S. National Phase entry documents on June 9, 2006 indicate the correct international application number (such as the copy of the published text of PCT/IB2004/004419 that was filed) and are consistent with the correct international application number, Applicants respectfully urge that this petition be promptly granted.

The petition fee required under 37 C.F.R. 1.17(f) is submitted herewith.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the

credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If there are any questions regarding this submission, the Patent Office is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,

Popper

FOLEY & LARDNER LLP Customer Number: 22428

Telephone:

(202) 295-4094

Facsimile:

(202) 672-5399

Courtenay C. Brinckerhoff Attorney for Applicant

Registration No. 37,288

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FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 12-2004)

		RANSMITTAL LETTER TO THE UNITED STATE	1
		DESIGNATED/ELECTED OFFICE (DO/EO/US)	049280-0102
		CONCERNING A FILING UNDER 35 U.S.C. 371	1 A D. 12/11 15 (2) 3 2 3 2 F.R. 1.5)
	PCT/IB	TIONAL APPLICATION NO. INTERNATIONAL FILING DAT 32004/004119 12/10/2004	
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1. 2.	\boxtimes	This is a SECOND or SUBSEQUENT submission of items col	
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5.	\boxtimes	A copy of the International Application as filed (35 U.S.C. 371)	
		is attached hereto (required only if not communicated by	y the International Bureau).
		has been communicated by the International Bureau.	
		is not required, as the application was filed in the Unite	
6.	\boxtimes	An English language translation of the International Applicatio	n as filed (35 U.S.C. 371(c)(2)).
		is attached hereto. has been previously submitted under 35 U.S.C. 154(d)	(4).
7.	\boxtimes	Amendments to the claims of the International Application and	
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9.		An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4))	
10.		An English language translation of the annexes to the Interna 36 (35 U.S.C. 371(c)(5)).	lional Preliminary Examination Report under PC1 Article
lte	ms 11 1	to 20 below concern other document(s) or information includ	
11.	\boxtimes	An Information Disclosure Statement under 37 CFR 1.97 and	
12.		An assignment document for recording. A separate cover she	eet in compliance with 37 CFR 3.28 and 3.31 is included.
13.	\boxtimes	A preliminary amendment.	
14.	. 🖾	An Application Data Sheet under 37 CFR 1.76.	
15.	. 🗆	A substitute specification.	
16	. 🗆	A power of attorney and/or change of address letter.	
17	. 🗆	A computer-readable form of the sequence listing in accordan	
18	. 🗆	A second copy of the published international application under	
19	. 🗆	A second copy of the English language translation of the inten	national application under 35 U.S.C. 154(d)(4).
20	. 🛛	Other items or information: International Search Report (3 pa	ges).
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IAP20 Rec'd PCT/PTO 09 JUN 2006

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Application Data Sheet

COPY

10/582321 IAP20Rec'd PCT/PTO 09 JUN 2006

Application Information

Application Type::	Regular
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Subject Matter:: Utility

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R?:: None

Computer Readable Form (CRF)?:: No

Title:: METHOD OF MODIFYING PLANT

PHENOTYPES WITH NONSYMBIOTIC

HEMOGLOBIN

Attorney Docket Number:: 049280-0102

Request for Early Publication?:: No

Request for Non-Publication?:: No

Suggested Drawing Figure:: 3

Total Drawing Sheets:: 6

Small Entity?:: Yes

Petition included?:: No

Secrecy Order in Parent Appl.?:: No

Applicant Information

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Canadian

Status:: Full Capacity

Given Name:: Robert D.

Family Name:: Hill

City of Residence:: Winnipeg
State or Province of Manitoba

Residence::

Country of Residence:: Canada

Street of mailing address:: 34 McNulty Cres.

City of mailing address:: Winnipeg
State or Province of mailing Manitoba

address::

Country of mailing address:: Canada

Postal or Zip Code of mailing R2M 5H4

address::

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Canadian

Status:: Full Capacity

Given Name:: Kevin
Family Name:: Baron

City of Residence:: Carberry

State or Province of Manitoba

Residence::

Country of Residence:: Canada

Street of mailing address:: Box 623

City of mailing address:: Carberry

State or Province of mailing Manitoba

address::

Country of mailing address:: Canada

Postal or Zip Code of mailing R0K 0H0

address::

Correspondence Information

Correspondence Customer Number:: 22428

E-Mail address:: PTOMailWashington@foley.com

Representative Information

Representative Customer	22428	
Number::		

Domestic Priority Information

Application::	Continuity Type::	Parent	Parent Filing
		Application::	Date::
This Application	National Stage of	PCT/IB2004/004119	12/10/2004
PCT/IB2004/004119	An application claiming the benefit under 35 USC 119(e)	60/528,777	12/12/2003

Foreign Priority Information

Country::	Application	Filing Date::	Priority Claimed::
	number::		

Assignee Information

Assignee Name::

University of Manitoba

(19) World Intellectual Property Organization International Bureau

(43) International Publication Date 23 June 2005 (23.06.2005)

(10) International Publication Number WO 2005/055703 A2

(51) International Patent Classification7:

A01H

(21) International Application Number:

PCT/IB2004/004419

(22) International Filing Date:

10 December 2004 (10.12.2004)

(25) Filing Language:

English

(26) Publication Language:

English

(30) Priority Data:

60/528,777

12 December 2003 (12.12.2003)

- (71) Applicant (for all designated States except US): UNIVER-SITY OF MANITOBA [CA/CA]; 631 Drake Centre, 181 Freedman Crescent, Winnipeg, Manitoba R3T 5V4 (CA).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only); HILL, Robert, D. [CA/CA]; 34 McNulty Cres., Winnipeg, Manitoba R2M 5H4 (CA). BARON, Kevin [CA/CA]; Box 623, Carberry, Manitoba R0K 0H0 (CA).

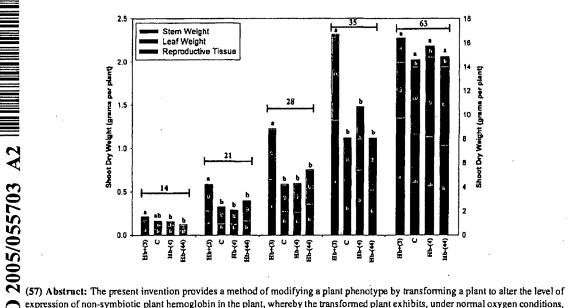
- (81) Designated States (unless otherwise indicated, for every kind of national protection available): AE, AG, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM,
- (84) Designated States (unless otherwise indicated, for every kind of regional protection available): ARIPO (BW, GH, GM, KE, LS, MW, MZ, NA, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IS, IT, LT, LU, MC, NL, PL, PT, RO, SE, SI, SK, TR), OAPI (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

Published:

without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: METHOD OF MODIFYING PLANT PHENOTYPES WITH NONSYMBIOTIC HEMOGLOBIN



expression of non-symbiotic plant hemoglobin in the plant, whereby the transformed plant exhibits, under normal oxygen conditions, a plant phenotype that is modified as compared to a non-transformed plant. Plants exhibiting modified phenotypes under normal oxygen conditions also are provided. Methods of modifying the response to a plant hormone in a plant also are provided.

COPY

IAP15 Rec'd PCT, PTO 09 JUN 2006

Title: METHOD OF MODIFYING PLANT PHENOTYPES WITH NONSYMBIOTIC

HEMOGLOBIN

Inventor(s): Robert D. Hill Appl. No.: Unassigned

Dkt. No. 049280-0102

CCBR

Transmittal Letter to U.S. Designated/Elected Office (2 pgs. in duplicate);

Credit Card Payment Form in the amount of \$590.00 (1 pg.);

Application Data Sheet (3 pgs.);

Preliminary Amendment (4 pgs.);

Specification and Claims (28 pgs);

- Formal Drawings (6 sheets of Figs. 1-6);
- Information Disclosure Statement (2 pgs);
- PTO/SB/08 (1 pg., including 7 references);
- International Search Report (3 pgs).

Attorney Initials: CCBR/am/smw

Date Filed: June 9, 2006

Insp. By:

WASH_1627566.1

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FOLEY & LARDNER LLP ATTORNEYS AT LAW

WASHINGTON HARBOUR 3000 K STREET MW, SUITE 500 WASHINGTON, D.C. 20007-5143 TELEPHONE: 202.672.5300 FACSIMILE: 202.672.5399 WWW.FOLEY.COM

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Total # of Pages: 6 (including this page)

TO:	PHONE #:	FAX #:
Patent Cooperation Treaty (PCT) Office		703-305-3230
DONNA GREEN		703 303 8280

From: Stella Walker

Date: 04/18/2007

Client/Matter No: 049280-0102

User ID No: 09863

Dear Ms. Green,

Per Bernard Gregory, attached is a corrected National Phase Transmittal for PCT/IB2004/004419, and a Supplemental Application Data Sheet.

At your earliest convenience, please forward to us a new Notification of Missing Requirements for Serial No. 10/582,321. If you have any questions, please do not hesitate to call me at (202) 945-6094.

Best regards.



LEY & LARDNER LLP ATTORNEYS AT LAW

WASHINGTON HARBOUR 3000 K STREET NW, SUITE 500 WASHINGTON, D.C. 20007-5143 TELEPHONE: 202.672.5300 FACSIMILE: 202.672.5399 WWW.FOLEY.COM

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Best regards,

Stella Walker

P.S. You guys are AWESOME!!!!

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CORRECTED

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

			R TO THE UNITED STATES	ATTORNEY'S DOCKET NUMBER
			ED OFFICE (DO/EO/US)	049280-0102
	C	CONCERNING A FILIN	NG UNDER 35 U.S.C. 371	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/582,321
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2.			SEQUENT submission of items concerning a	
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J.	_	items (5), (6), (9) and (21) ii	ndicated below.	5 U.S.C. 371(f)). The submission must include
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5.	\boxtimes	A copy of the International	Application as filed (35 U.S.C. 371(c)(2))	
		is attached hereto (re	equired only if not communicated by the Inte	rnational Bureau).
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		is not required, as th	e application was filed in the United States F	Receiving Office (RO/US)
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8.		An English language transla	ation of the amendments to the claims under	PCT Article 19 (35 U.S.C. 371(c)(3)).
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10.		An English language transla 36 (35 U.S.C. 371(c)(5)).	ation of the annexes to the International Preli	minary Examination Report under PCT Article
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13.	\boxtimes	A preliminary amendment.	·	
14.	\boxtimes	An Application Data Sheet L	under 37 CFR 1.76.	
15.		A substitute specification.		
16.		A power of attorney and/or of	change of address letter.	
17.		A computer-readable form o	f the sequence listing in accordance with PC	T Rule 13 <i>ter.</i> 2 and 37 CFR 1.821 – 1.825
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Supplemental Application Data Sheet

Application Information

Application Type:: Regular

Subject Matter:: Utility

<u>Application No.:</u> 10/582,321

Suggested classification::

Suggested Group Art Unit::

CD-ROM or CD-R?:: None

Computer Readable Form (CRF)?:: No

Title:: METHOD OF MODIFYING PLANT

PHENOTYPES WITH NONSYMBIOTIC

HEMOGLOBIN

Attorney Docket Number:: 049280-0102

Request for Early Publication?:: No

Request for Non-Publication?:: No

Suggested Drawing Figure:: 3

Total Drawing Sheets:: 6

Small Entity?:: Yes

Petition included?:: No

Secrecy Order in Parent Appl.?:: No

Applicant Information

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Canadian

Status:: Full Capacity

Given Name:: Robert D.

Family Name:: Hill

City of Residence:: Winnipeg

State or Province of

Manitoba

Residence::

Country of Residence::

Canada

Street of mailing address::

34 McNulty Cres.

City of mailing address::

Winnipeg

State or Province of mailing

Manitoba

address::

Country of mailing address::

Canada

Postal or Zip Code of mailing

R2M 5H4

address::

Applicant Authority Type::

Inventor

Primary Citizenship Country::

Canadian

Status::

Full Capacity

Given Name::

Kevin

Family Name::

Baron

City of Residence::

Carberry

State or Province of

Manitoba

Residence::

Country of Residence::

Canada

Street of mailing address::

Box 623

City of mailing address::

Carberry

State or Province of mailing

Manitoba

address::

Country of mailing address::

Canada

Postal or Zip Code of mailing

ROK 0H0

address::

Correspondence Information

Correspondence Customer Number::

22428

E-Mail address::

PTOMailWashington@foley.com

Representative Information

Representative Customer	22428	
Number::		

Domestic Priority Information

Application::	Continuity Type::	Parent	Parent Filing
		Application::	Date::
This Application	National Stage of	PCT/IB2004/004119	12/10/2004
This Application	National Stage of	PCT/IB2004/004419	12/10/2004
PCT/IB2004/004119	An application	60/528,777	12/12/2003
	claiming the		
	benefit under 35		
	USC 119(e)		

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee Name::

University of Manitoba